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T.R.A. DOCKET ROOM

May 3, 2005

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Hon. Pat Miller, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee

RE Complaint by Aeneas Internet and Telephone
Docket 02-01274

Dear Chairman Miller

This is in response to the letter from Aeneas Internet and Telephone ("Aeneas") to Mr. Joe Werner dated March 25, 2003. The Aeneas letter contained comments on BellSouth's response to items in an earlier letter from Aeneas, dated December 4, 2002, and included several additional items. BellSouth's responses to the items in the March 25 letter are as follows:

Item 1: BellSouth stands by its initial response to this item. BellSouth records do not show any problem that lasted for four days, as alleged by Aeneas, and BellSouth's technician made no repairs because he found no problem. Finally, BellSouth cannot speculate on why any customer may or may not be dissatisfied with their service.

Item 2: In the initial response, BellSouth stated that the problem (missing Local Number Portability trigger) was corrected within approximately six and one half hours after BellSouth received the Aeneas trouble report, not after BellSouth identified the problem. This period of time included the investigation necessary to isolate and determine the problem. We regret that Aeneas feels that BellSouth's response was too slow. Again, we point out that this problem only affected calls from IXC's who elected not to perform an originating LNP query.

New Item A: BellSouth strongly disagrees with Aeneas' assertion that it treated these trouble reports differently.

After the end user reported a problem with his PRI ISDN service, BellSouth was able to observe the trouble and, therefore, was able to correct the problem and restore service. However, after Aeneas reported a problem with the T1 lines, BellSouth tested the lines but did not observe any problem, and a problem cannot be corrected unless it is observed. BellSouth initiated contact with Aeneas to discuss the situation, and it was determined that the circuit was "bouncing", or experiencing an intermittent problem of some sort. BellSouth never did actually observe the

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problem. However, at Aeneas' request, BellSouth placed the trouble report in "delayed maintenance" status which keeps the report active for 24 hours in the event that that problem reappears. After 24 hours, the report is automatically closed and the customer is never contacted unless the problem re-occurs. In this situation, no problem was observed and the report was automatically closed.

According to BellSouth's records, the end user's trouble report on the PRI ISDN lines was closed approximately six hours after the initial report. BellSouth kept the trouble report from Aeneas open for a longer period of time at Aeneas' request. BellSouth responded to both trouble reports promptly, tested the circuits involved, and took appropriate action based on the testing results. Aeneas' trouble report was kept open for a longer period of time at their own request, not because of any action by BellSouth.

Item 3: BellSouth was able to investigate this situation using the additional information provided by Mr. Harlan in his letter of March 25, 2003. Mr. Harlan concedes that this customer was experiencing problems with their Aeneas service, and BellSouth emphatically denies that any of its personnel or ASR representatives "knowingly induced" Dyer County to breach any contract they had with Aeneas or any other service provider. If Aeneas feels that its customer did, in fact, breach a contract, then his complaint is with the customer, not BellSouth.

The BellSouth offer was under the Simple Solutions program, a tariffed offering (Tariff Section A13 90.16) available from July 29, 2002 through July 28, 2003. This offer was available to qualifying customers in Dyer County.

Item 6: BellSouth stands by its previous response on this item.

Item 7: BellSouth wishes to correct several statements made by Aeneas. First, BellSouth records indicate that no dispatch was required to fix the problem on 731-424-1201 as described by Aeneas. The dispatch was on another line to the same customer mentioned in BellSouth's initial response on this item. BellSouth disputes Aeneas' claim that it was charged for "unnecessary tech support". Second, BellSouth admits that the problem was actually the lack of a PIN number *that should have been provided by Aeneas*. Aeneas attempts to characterize this as a BellSouth problem when it could have been avoided had Aeneas simply providing the required PIN in the first place.

New Item B: If the BellSouth service representative claimed that a disconnect order was issued on 731-235-9089, the service representative was incorrect. BellSouth's records indicate no disconnect activity nor orders were issued applying an intercept message on this customer's service anytime in 2003. There was a Local Service Request (LSR) issued in January to port this

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number to Aeneas, which was subsequently cancelled by Aeneas, however no disconnect order on the end user customer was completed.

BellSouth's records also indicate that a trouble ticket was issued on February 5, twelve days later, with a report of no dial tone on this number. Upon testing, however, no trouble was found and this trouble ticket was closed after verifying service with the customer

New Item C: BellSouth has previously addressed this issue. On February 19, 2003, a letter was sent to Mr. Jonathan Harlan of Aeneas Internet & Telephone advising him that BellSouth had completed its investigation regarding certain Aeneas listings that were missing from a Jackson, Tennessee extract in September 2002. This letter reported that an entry error resulted in the listings being erroneously omitted from the listings database for Tennessee, Alabama, Kentucky, Louisiana and Mississippi. When the omission of the listings was brought to BellSouth's attention, it was immediately corrected and should not be an issue in future directory data extracts.

New Item D: BellSouth acknowledges that in January 2003, one of BellSouth's Authorized Sales Representatives ("ASR") sold a "Simple Solution Promotion" to the Chamber of Commerce in Jackson. This offering was an approved tariffed offering (BellSouth Tariff Section A13.90 16) available from July 29, 2002 through July 28, 2003 to qualifying customers in Madison County.

The ASR did submit a PIC and LPIC change request with the order. When the ASR initiated a call to the customer that same day to verify all of the services and other changes that the customer had ordered, including the PIC change, the ASR learned of the customer's desire to retain their old PIC and LPIC. Based on that clarifying information, the ASR immediately contacted BellSouth's Vendor Service Center to change the customer's PIC and LPIC back to their preferred interexchange carrier. The customer was switched back to their desired long distance carrier choices that same day. BellSouth denies Aeneas' allegations that long distance services to this customer were "suspended" for any period of time.

New Item E: This end user was initially a BellSouth retail customer with overdue amounts on their bill for BellSouth service. BellSouth issued a disconnect order on this customer's service for non-payment. While this disconnect order was being worked, BellSouth received an order to convert this customer to Aeneas. Subsequently, the disconnect order interrupted the customer's service, and Aeneas issued a trouble report to BellSouth. Upon learning that this end user was now an Aeneas customer, BellSouth cancelled the disconnect order and restored service. The BellSouth service representative was unable to provide an

explanation as to why service had been discontinued because these representatives do not discuss a retail customer's information with anyone other than that customer

New Item F: BellSouth did receive the manual Local Service Request (LSR) from Aeneas on January 14, 2003 and issued a service order on January 15, 2003. However, a clerical error in the LCSC resulted in the order being lost, and therefore a service order was never issued. The LCSC clerk realized what had happened when Aeneas called to check on the initial order, and a new service order was issued that same day with a due date of January 22, 2003. BellSouth certainly regrets the error and the delay in providing service to Aeneas' customer.

New Item G: In this situation, multiple errors by both Aeneas' and BellSouth's service representatives delayed service to this customer. On December 9, 2002, the BellSouth LCSC received a faxed LSR from Aeneas for the end user requesting a UNE-P Outside Move of an end user location. Specifically, this local service request was to move 3 existing telephone numbers to a new address and add a new line with the telephone number to be assigned by BellSouth. Due to various LSR formatting errors by Aeneas (such as invalid class of service, illegible LSR copy, pages missing from LSR, etc.), the LSR was rejected five times and clarified six times.

On December 18, 2002, the LCSC was able to process this LSR and issued service orders with the due date of December 29, 2002. One order was deferred for one day due to heavy work load conditions, but all orders were completed on or before December 30, 2002.

Unfortunately, the LCSC Service Representative issued one of the orders with incorrect hunting information and omitted the new fourth line. On December 31, 2002, a correcting order was promptly issued to correct the hunting and add the new line with the new telephone number. Contrary to Aeneas' allegations, BellSouth waived all charges for the subsequent visit required to correct this.

New Item H: Aeneas' assertion that BellSouth changed this customer's PIC is incorrect. An IXC (Interexchange Carrier) or a reseller can submit a mechanized change request to change a customer's PIC and/or LPIC without any manual involvement from BellSouth, as happened in this situation. Specifically, on October 10, 2002 another IXC sent a mechanized Carrier Change Request to BellSouth and the order was subsequently worked with no manual intervention by BellSouth. Later, while investigating the PIC change with Aeneas, the BellSouth service representative simply assumed that the PIC change was implemented as a result of the end user's addition of BellSouth DSL service. BellSouth did issue a service order to correct the PIC assignment and waived all charges associated with making these corrections.

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New Item I: Aeneas is incorrect on several points. BellSouth received the initial LSR from Aeneas by fax on December 3, 2002, and the LSR requested BellSouth ESSX Full Conversion with changes to the PIC (Presubscribed Interexchange Carrier) and LPIC (Local Toll Presubscribed Interexchange Carrier) codes. The request was to convert telephone number 731 645-1000 for McNairy County Government.

First, the Aeneas LSR (Local Service Request) clarifications requested between December 13 and December 23, 2002 for the McNairy County Government conversion order were valid clarifications, not a "run around" as alleged by Aeneas. In fact, according to BellSouth's records, this particular LSR submitted by Aeneas was corrected four (4) times. The corrections were for multiple occurrences of illegible LSR pages, multiple occurrences of missing LSR pages, incorrect coding on the administrative page, multiple occurrences of incorrect page numbering, a missing project number, and invalid characters entered into some of the populated ESSX Ordering Document fields. BellSouth's ordering guidelines clearly specify the information required on orders of this type, and Aeneas simply failed to provide the necessary information in a clear and legible manner.

Contrary to Aeneas' statements otherwise, a project number is a requirement for this type of LSR. The BellSouth Products and Services Interval Guide - 5G Issue, March 2003, Section 2, clearly states that 25+ lines are project managed and the due date is negotiated. The number of lines involved in the McNairy County Government conversion was 25 lines, and thus clearly should have been project managed with the interval and the due date to be negotiated.

On or about December 23, 2003, rather than adhere to the processes outlined in BellSouth's ordering guidelines, Aeneas expedited the order to higher management. In an attempt to appease the customer, BellSouth issued an expedited order with a due date of December 26, rather than processing the order through a project manager. As a further attempt at good will, BellSouth also waived both the project management charge and the expedite charge that BellSouth was clearly entitled to. Unfortunately, in the haste to issue the expedited order and without the oversight of a project manager, the service representative made subsequent errors that delayed the order completion and resulted in a billing error. Nevertheless, the service was connected on December 26, 2002, as promised.

The LSR submitted by Aeneas was for a Full Conversion **with changes** to the PIC and LPIC. This order was, by definition, a customer move from BellSouth to Aeneas as a resale account "switch with changes", not a resale account "switch as is", since there were changes (PIC and LPIC) in the end user's service. As Aeneas should be aware, Full Conversion resale orders with changes are billed at different rates than Full Conversion resale orders without changes.

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Aeneas is simply mistaken in its assertion that this was a "switch as is" order. Therefore, Aeneas is simply wrong. BellSouth did not arbitrarily raise its resale rates on the services delivered.

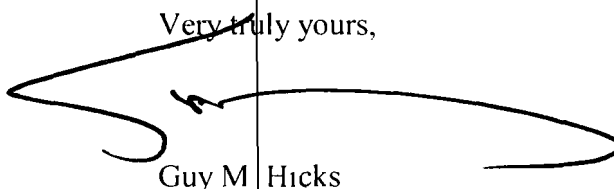
New Items J/K: BellSouth has no record of the problems described by Aeneas for telephone number 731-989-8947. BellSouth's records do indicate a trouble report on this number, dated February 16, 2003 at 1:14 p.m. BellSouth made a commitment of midday on February 17, 2003 for repair this problem. However, BellSouth determined a faulty cable was the problem, the circuit was switched to a good pair, and the trouble closed at 5:10 PM of the same day (February 16, 2003). Although Aeneas has alleged that this number was down "two weekends in a row", BellSouth's records show the February 16, 2003 trouble was the only one reported on this circuit this year.

Aeneas alleges that on March 11, 2003 telephone number 731-584-6208 was down all night. However, no troubles were reported to BellSouth on this number during March. On February 19, 2003, however, there was a trouble reported and BellSouth dispatched a technician, but BellSouth was unable to discover a trouble and the trouble ticket was subsequently closed to "No Trouble Found".

New Item L: BellSouth's records indicate that there has only been one trouble reported this year on 731-584-3026, and this was on March 3, 2003 at 8:59 AM. The circuit was tested and found to have an open outside the central office. A technician was dispatched, a faulty cable pair was repaired, and the circuit was placed back into service at 5:55 p.m.

BellSouth declines to comment on the six items referenced at the close of Aeneas' letter except to note that based on BellSouth's investigation into these Aeneas complaints, there is either simply no basis for these requests, or they have already been addressed in other forums.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read "Guy M. Hicks". The signature is written over the typed name.

Guy M Hicks

cc Mr Jonathan Harlan

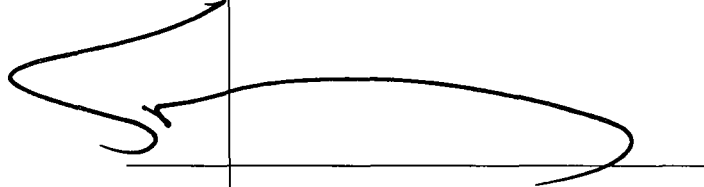
CERTIFICATE OF SERVICE

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I hereby certify that on May 2, 2005, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☒ Hand
- ☒ Mail
- ☐ Facsimile
- ☐ Overnight

Mr. Jonathan Harlan, President
Aeneas Internet & Telephone
P. O. Box 277
Jackson, TN 38302-0277

A large, stylized handwritten signature in black ink, spanning across the vertical line of the certificate.